IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 3481 of 2007(M)

AGAINST THE ORDER IN IA.1288/03,1378/04 IN OS.259/1993 of MUNSIFF COURT,MUVATTUPUZHA
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PETITIONER:
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1. **MATHAI, S/O. PURAVATH, PALLIMALLIL HOUSE, KUROOR KARA, KOTHAMANGALAM VILLAGE.**

2. **K.P.VARKEY, S/O. PAILY, KOLAMBEL HOUSE, KOORAMPARA KARA, KEERAMPARA VILLAGE, KOTHAMANGALAM.**

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.E.R.VENKATESWARAN

RESPONDENTS:
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1. **KURIACHAN, S/O. PURAVATH, PALLIMALIL HOUSE, KUROORKARA, KOTHAMANGALAM VILLAGE.**

2. **SARAMMA, W/O. KURIAN, PALLIMALIL HOUSE, KUROORKARA, KOTHAMANGALAM VILLAGE.**

BY ADV. SRI.PEEYUS A.KOTTAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.3481/2007M

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF JUDGMENT IN FAO NO.131/05 DTD. 15/09/2006 OF THIS HON'BLE COURT.**

EXT.P2: **COPY OF ORDER DTD. 4/12/2006 PASSED IN I.A.1288/03 AND 1378/04 IN O.S.NO.259/03 OF MUNSIFF'S COURT, MUVATTUPUZHA.**

/TRUE COPY/

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.3481 OF 2007

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Dated this the 9th day of March 2007

JUDGMENT

The petitioners are the defendants in O.S.259/93 on the file of the Munsiff's Court, Muvattupuzha. This writ petition is filed challenging the correctness of Ext.P2 common order of the Munsiff in I.A.1288/03 and I.A.1378/04 admitting certain documents in evidence as additional evidence and refusing to admit certain other documents in evidence after remand by this court vide Ext.P1 judgment in FAO 131/05. At the time of hearing, counsel for the petitioner assailed only the refusal of reception of document no.8 produced along with the I.A.1378/04 by the defendants. Document No.8 is a letter dated 7.9.2006 addressed to the RDO along with a sketch which was being sent by the S.I. of Police, Muvattupuzha. The reason why the learned Munsiff refused to accept in evidence the said document is that it is a document which requires proof through the person who issued it but that there is no direction from this court to record any oral evidence after remand and the direction was only to consider the admissibility of documents produced along with the

two I.As. aforesaid in O.S.259/93. Considering the nature of document no.8 it could not have been admitted in evidence as rightly held by the trial court. No other grievance was urged before me in this writ petition. This writ petition in the circumstances is devoid of merit and it dismissed.

K.P.BALACHANDRAN, JUDGE

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